

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17841 of 1999

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to award made in I.D.No.67 of 1993 dated 20.8.1993 on the file of the Labour Court-I, Hyderabad and quash the same as arbitrary and illegal.

It appears, petitioner was appointed as Conductor in second respondent-Corporation in the year 1976. On 2.9.1978, while he was conducting the Bus on route No.103, a check was exercised by the checking officials at stage No.1 and found some cash and ticket irregularities. Petitioner was issued with charge sheet and after conducting a detailed enquiry into the matter, he was removed from service vide proceedings dated 31.3.1979. Questioning the same, petitioner raised a dispute before the Labour Court. Before the Labour Court, neither any oral nor documentary evidence was adduced on behalf of petitioner, but on behalf of respondent-management, Exs.B1 to B.14 were marked. After a detailed consideration of the entire material on record, the Labour Court passed award setting aside the removal order passed by the respondent-management and directed it to treat the petitioner as compulsorily retired from service as on 31.3.1979 and pay all terminal benefits etc.

Heard both sides.

The petitioner was removed from service in the year 1979 and he raised dispute only in the year 1987. There was a long delay of nearly (8) years. Since the dismissal order was shockingly disproportionate to that of the misconduct, the Labour Court while setting aside the removal order, directed the management to treat the petitioner as compulsorily retired from service, may be to avoid any stigma on the petitioner in

obtaining further employment. It is further interesting to notice that against the said award dated 20.8.1993, this writ petition was filed in the year 1999 with a delay of more than (6) years. Thus, now it is more than 28 years since the petitioner was removed from service. Apart from that, the charges framed against the petitioner cannot be said to be not grave. In fact, petitioner failed to issue tickets to (8) passengers, who boarded the Bus at ex-stage No.5 and the check was exercised at ex-stage No.1. This itself shows that the petitioner did not issue tickets within four fare stages, may be, he did not collect the money, but this is a serious charge.

For all the above reasons, I am of the opinion that the award passed by the Labour Court does not call for any interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Date: 26.12.2007
DA

C.V.RAMULU,
J

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26.12.2007

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17841 of 1999

Date: 26th December, 2007

Between:

B.Yadagiri

.. Petitioners

And

The Labour Court-I, Hyderabad,
rep. by its Presiding Officer & another.

.. Respondents